IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 3446 of 2005

Between:

Birru Ganganna S/o Bheemaiah
Aged 55 years, Occu: Fisherman,

R/o Bazar Hathnoor Village & Mandal,

Adilabad District.

..... PETITIONER

AND

The Assistant Director of Fisheries, Nirmal,

Adilabad District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue Writ or direction preferably Writ of Mandmaus declaring the inaction of the respondent in taking steps to conduct fishing operations through local fishermen in respect of the reservoir of Bazar Hathnoor Village & mandal of Adilabad District as illegal, arbitrary and violative of Principles of natural justice and consequently direct the respondent to allow the petitioner and other local fishermen to conduct fishing operations in the said reservoir.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent: GP FOR FISHERIES

The Court made the following:

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ORDER:

This writ petition has been filed seeking writ of mandamus, declaring the inaction of the respondent in taking steps to conduct fishing operations through local fishermen in respect of the reservoir of Bazar Hathnoor Village and Mandal of Adilabad District, as illegal, aribitrary and violative of principles of natural justice and with a consequential direction to the respondent to allow the petitioner and other local fishermen to conduct fishing operations in the said reservoir.

A detailed counter-affidavit has been filed by the respondent stating that the Fisheries Development Officer, Sathnala, is initiating process for constitution of Tribal Fishermen Cooperative Society at Bazarthnoor. The Fisheries Development Officer, Sathanala, will prepare the proposal within a month and submit the same to the Commissioner of Fisheries, Hyderabad for according permission.

Heard the learned counsel for the petitioner and the learned Government Pleader for Fisheries.

Therefore, without entering into the merits of the case, since the case of the

writ petitioner is only for constitution of the committee and as the respondent has taken initiative to prepare proposals for constitution of Tribal Fishermen Cooperative Society within month, the writ petition is disposed of with a direction to the respondent to constitute a Fishermen Cooperative Society, within a period of month from the date of receipt of a copy of this order. As the petitioner admittedly is a tribal, he shall be given membership, if he qualifies in the skill test to be conducted by the committee.

The writ petition is accordingly disposed of. No costs.

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28-02-2005.

Lrkm.

To

1. The Assistant Director of Fisheries, Nirmal,

Adilabad District.

2. 2 CCs to the Government Pleader for Fisheries, High Court

of A.P., High Court Buildings, Hyderabad (O.U.T)

3. 2 CD copies.